

60246-145
8674**REMARKS**

Claims 8 and 11 have been objected to because of several formalities. Claim 8 has been amended to delete the term "and," and claim 11 has been amended to change "cross-links" to "cross-link."

Claims 1-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bentley (U.S. Patent No. 4,738,307) in view of Audett (U.S. Patent No. 5,331,049) or Prejean. Bentley discloses a heat exchanger 20 having a polymer laminated sheet stock 92 adhesively bonded to a metal sheet blank 72. The Examiner states on page 2 of the Office Action that Bentley does not teach the use of an ethylene terpolymer with an organosilicone functional group to adhere the polymer laminated sheet stock 92 to the metal sheet blank 72. Audett suggests a water-curable adhesive including a copolymer of ethylene and hydro-carbyl esters of α , β -ethylenically unsaturated carboxylic acid grafted with a silane monomer. Prejean suggests an ethylene terpolymer hot melt adhesive. The Examiner contends it would be obvious to employ an ethylene terpolymer to adhere the film to the heat exchanger of Bentley because of either Audett or Prejean.

There is no suggestion to employ a layer of ethylene terpolymer in Bentley. The purpose of Bentley is to prevent corrosion of the heat exchanger by using a layer of corrosion resistant polymer. Bentley does not relate to the adhesion of the corrosion resistant polymer to the heat exchanger, but only relates to the use of the layer of corrosion resistant polymer. Bentley does not disclose or suggest any material for adhering the layer of corrosion resistant polymer to the heat exchanger. There is no suggestion to employing a water-curable ethylene terpolymer hot melt adhesive including an organosilicone functional group in Bentley to adhere the layer of polymer to the heat exchanger. Applicant's claims are not obvious, and Applicant respectfully requests that the rejection be withdrawn.

Additionally, Prejean only generally teaches an ethylene terpolymer, its properties, and a method of making. Prejean does not teach using this material to adhere a film to a heat transfer component as claimed by Applicant, and there is no suggestion in Prejean to employ this material to adhere a film to a heat transfer component. Audett suggests a copolymer of ethylene and hydro-carbyl esters of α , β -ethylenically unsaturated carboxylic acid grafted with a silane monomer and also does not suggest employing this material to adhere a film to a heat transfer

60246-145
8674

component. The combination of Bentley with Audett or Prejean does not disclose or suggest Applicant's claims, and Applicant requests that the rejection be withdrawn.

Finally, Applicant's claims are not obvious as they overcome the problems of prior art adhesives used to adhere a film to a heat exchanger component. As disclosed in paragraphs 4 and 23 of Applicant's patent application, the prior art primer and adhesive used to secure a film to a heat transfer component are expensive and release volatile organic compounds that must be combusted to meet clean air requirements. Employing a layer of ethylene terpolymer as claimed by Applicant overcomes these disadvantages. Additionally, ethylene terpolymer provides many benefits. Ethylene terpolymer cures at a relatively low temperature. Curing can also be accelerated at high temperatures. Applicant's claimed invention provides many advantages and overcomes the problems of the prior art. The rejection is improper, and Applicant respectfully requests that the rejection be withdrawn.

Claims 1-11 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 and 9-10 of Otter (U.S. Patent No. 6,527,906) in view of Audett or Prejean. Applicant has included a terminal disclaimer which obviates this rejection.

Thus, claims 1-14 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.



Karin H. Butchko
Registration No. 45,864
Attorneys for Applicant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: September 2, 2003

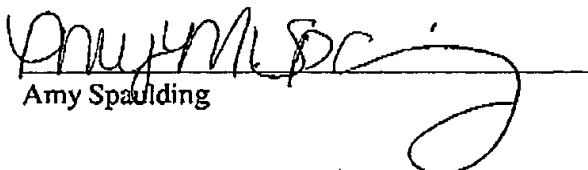
RECEIVED
CENTRAL FAX CENTER
SEP 02 2003

OFFICIAL

60246-145
8674

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, TC 1773, Before Final, (703) 872-9310 on September 2, 2003.


Amy Spaulding

N:\clients\carrier\ip00145\patent\145response.doc